

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

SEP 21 2012

LEO C. STEVENS,

By: *John M. Cullen, Clerk*  
Deputy Clerk

Movant

v.

UNITED STATES OF AMERICA,

Respondent

CRIMINAL ACTION FILE  
NO. 1:11-CR-040-ODE-AJB

ORDER

This criminal case is before the Court on the Final Report and Recommendation of United States Magistrate Judge Alan J. Baverman filed August 27, 2012 [Doc. 61]. No objections have been filed.

In the Report and Recommendation, the Magistrate Judge recommends that Movant's Motion and Memorandum to Vacate Plea and Illegal Sentence be dismissed for lack of jurisdiction because Movant's direct appeal is still pending.

The Court having read and considered the Report and Recommendation and noting the absence of any objections, it is hereby ADOPTED as the opinion and order of the Court. For the reasons set forth in the Report and Recommendation, Movant's Motion and Memorandum to Vacate Plea and Illegal Sentence [Doc. 45] is DISMISSED WITHOUT PREJUDICE.

SO ORDERED, this 21 day of September, 2012.

*[Signature]*  
ORINDA D. EVANS  
UNITED STATES DISTRICT JUDGE